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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the First Amended Accusation
Against:

Case No.: 2013-558

13 **DAWN RENEE MOTTIER**
14 **a.k.a. Dawn Renee Judt, a.k.a. Dawn Renee**
Robinson
15 **15 Monte Vista Road**
16 **Orinda, CA 94563**
Registered Nurse License No. 377627

FIRST AMENDED ACCUSATION

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Complainant Louise R. Bailey, M.Ed., R.N., brings this First Amended Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about August 31, 1984, the Board of Registered Nursing issued Registered
25 Nurse License number 377627 to Respondent Dawn Renee Mottier, a.k.a. Dawn Renee Judt,
26 a.k.a. Dawn Renee Robinson. This Registered Nurse license was in full force and effect at all
27 times relevant to the charges brought in this Accusation and will expire on February 28, 2014,
28 unless renewed.

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1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
5 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
6 or the possession of, or falsification of a record pertaining to, the substances described in
7 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
8 thereof.”

9 **COST RECOVERY**

10 11. Section 125.3, subdivision (a), provides, in pertinent part:

11 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
12 proceeding before any board within the department . . . upon request of the entity bringing the
13 proceedings, the administrative law judge may direct a licentiate found to have committed a
14 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
15 investigation and enforcement of the case.”

16 **FIRST CAUSE FOR DISCIPLINE** 17 **(Conviction of Crimes)**

18 12. Respondent has subjected her Registered Nurse license to disciplinary action under
19 Business and Professions Code sections 490, subdivision (a), and 2761, subdivision (f) in that she
20 was convicted of crimes substantially related to the qualifications, functions, and duties of a
21 registered nurse, as follows:

22 A. On or about January 12, 2011, in the Superior Court of California, County of
23 Alameda, Case No. 557729, entitled *People v. Mottier, Dawn Renee*, Respondent was convicted
24 on her plea of no contest for violating Vehicle Code section 23152, subdivision (b) (driving with
25 blood alcohol content of .08%, or higher). Respondent was placed on probation for a period of
26 three years on terms and conditions including fifteen days in county jail, payment of fines and
27 restitution, and a nine month Drinking Driver school.

28 The factual circumstances surrounding the crime are that on or about November 6,

1 2009, a California Highway Patrol officer was dispatched to Chabot Street and College Avenue to
2 assist with an accident involving Respondent. Respondent had been driving her vehicle
3 westbound on Chabot Road at a high rate of speed, steered off the road way in the northbound
4 direction onto the sidewalk, and struck a sign pole and a white fire hydrant. Respondent fled the
5 scene of the accident. Based on the evidence at the scene of the accident, the officer could tell
6 that Respondent's vehicle sustained moderate to major damage to the front end. Respondent left
7 her vehicle's bumper at the scene of the accident. The officer noticed that the speed limit of the
8 street is 25 miles per hour and the roadway conditions were wet due to prior rainfall. A blood
9 test revealed that Respondent's blood alcohol content was .30%.

10 B. On or about February 8, 2000, in the Superior Court of California, Contra Costa
11 County, case number 110790-3, entitled *The People of the State of California vs. Dawn Renee*
12 *Mottier*, Respondent pled no contest to a misdemeanor violation of Vehicle Code section 23152,
13 subdivision (a) (driving under the influence of alcohol). Respondent was placed on three years
14 probation on terms and conditions which included, two days in county jail, payment of fines and
15 restitution, attend and complete the First Offender Driver's Program, and not driving with a
16 measurable amount of alcohol in her blood.

17 **SECOND CAUSE FOR DISCIPLINE**
18 **(Unprofessional Conduct – Use of Alcohol)**

19 13. The allegations contained in paragraph 12 are realleged and incorporated by reference
20 as if fully set forth.

21 14. Respondent has subjected her Registered Nurse license to disciplinary action under
22 Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined by Code
23 section 2762, subdivision (b), in that Respondent drove a vehicle while under the influence of an
24 alcoholic beverage, as set forth in paragraphs 12, above. .

25 **THIRD CAUSE FOR DISCIPLINE**
26 **(Unprofessional Conduct – Criminal Conviction Involving Consumption of Alcohol)**

27 15. The allegations of paragraph 12 are realleged and incorporated by reference as if fully
28 set forth.

1 16. Respondent has subjected her Registered Nurse license to disciplinary action under
2 Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined by Code
3 section 2762, subdivision (c), in that Respondent was convicted of crimes involving the
4 consumption of alcohol as set forth in paragraph 12, above.

5 **PRAYER**

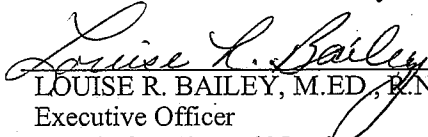
6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
7 First Amended Accusation, and that following the hearing, the Board of Registered Nursing issue
8 a decision:

9 1. Revoking or suspending Registered Nurse license number 377627, issued to Dawn
10 Renee Mottier, a.k.a. Dawn Renee Judt, a.k.a. Dawn Renee Robinson;

11 2. Ordering Dawn Renee Mottier, a.k.a. Dawn Renee Judt, a.k.a. Dawn Renee
12 Robinson, to pay the Board of Registered Nursing the reasonable costs of the investigation and
13 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

14 3. Taking such other and further action as deemed necessary and proper.

15 DATED: MAY 29, 2013


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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